REMARKS

Claims 1 to 21 are pending in the present application. Claims 1, 3, 10 and 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 6,144,944 to Kurtzman II et al. (hereinafter "Kurtzman"). Claims 2, 5-6, 9, 11, 14-15 and 18-20 stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman in view of webpages from Broadcast.com (hereinafter the "Broadcast.com reference"). Claims 4 and 13 stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman. Claims 8, 17 and 21 also stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman in view of the Broadcast.com reference. As indicated by the Advisory Action of March 29, 2005, the rejections of claims 7 and 16 have been withdrawn.

Claims 1, 3, 7, 10, 12 and 16 have been amended. No new matter has been entered. Applicant thanks the Examiner for withdrawing the rejections of claims 7 and 16. Applicant has amended these claims to be in independent form and they are now allowable. The outstanding rejections are respectfully traversed by the following remarks. Allowance of the present application is requested.

The rejections under 35 U.S.C. §§ 102 and 103 should be withdrawn.

In order for a claim to be anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way. *See Lindeman Machinenfabrik v. Am. Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); MPEP § 2131.

In order to reject a claim for obviousness under 35 U.S.C. § 103, the prior art must teach or suggest each and every element of the claim and must also suggest combining the elements in the manner contemplated in the claim. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied* 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990).

Applicant respectfully submits that these criteria are not met here.

Independent claims 1, 3, 5, 10, 12 and 14 are allowable.

Claim 1 of the present application recites:

> A method of responding to a request, the method comprising the steps of:
> > establishing a plurality of categories of potential requests;
> > associating a plurality of sets of data with each of the categories; and,

> in response to receipt of a request, analyzing the request
> and assigning the request to one of the categories based on a
> subject matter in the data requested, relating one of the
> categories to the request according to the assignment, and
> preparing a response including at least two sets of data from the
> related category, said response including at least the data
> requested by the request.

Kurtzman describes a system for providing selected advertisements in response to a requests from a web page server (Col. 2:25-27). The advertisements in Kurtzman are selected by one or more "affinity engines" which determine the degree of relevance that advertisements have for the information in the request from the webpage server including demographic information, page sponsor information and keyword information (Col. 2:30-37).

In contrast to the approach of Kurtzman, claim 1 recites a method where a response to a request is prepared based on analyzing and assigning the request to a category of potential requests based on the subject matter in the data requested, and then delivering at least two sets of data from the related category including the data requested by the request. In contrast, Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe analyzing a request and assigning it to a previously established category, and then preparing a response including two sets of data which had been associated with the assigned category. Kurtzman describes relating the request from the webpage server *directly* to the advertising, while the invention of claim 1 describes associating sets of data with categories, assigning a request to a category, and then providing a response which includes two sets of associated data from the category. In other words, Kurtzman describes going from request directly to advertisement while the invention of claim 1 describes going first from request to category and then from category to the data to be included in the response. Thus, claim 1 is allowable over Kurtzman.

Claim 3 of the present application recites:

> A method of responding to a request, the method comprising
> the steps of:
>> establishing a plurality of categories of potential
> requests;
>> associating a plurality of sets of data with each of the
> categories;
>> archiving successive requests from a given requester;
> and,
>> in response to receipt of a new request from the same
> requester, analyzing the new request and assigning the new

request to one of the categories based on a subject matter in the
data requested, relating one of the categories to an archived
request and the same or a different category to the new request
according to the assignment of the new request, and preparing a
response including at least two sets of data from at least one
related category or at least one set of data from each of at least
two related categories.

Claim 3 recites a method where a response to a request is prepared based on relating
the current request to a category of requests based on the subject matter in the data currently
requested and on relating an archived request to a category of requests. Thus, claim 3 is
allowable over Kurtzman because Kurtzman describes delivering ads based on only the
current request and not on archived requests. Applicant respectfully disagrees with the
Examiner's position that the description in Kurtzman regarding cookies (Col. 6:11-36)
describes using archived requests to prepare a response. The information that Kurtzman
describes using to find advertisements for a user (e.g., "cookies stored by the browser 177,"
"demographic and/or sociographic information" and "previous advertisements displayed to
that user") is not the same as basing a response to a new request on the relationship of an
archived request to a category of requests.

Furthermore, in contrast to the approach of Kurtzman, claim 3 also recites a method
where a response to a request is prepared based on analyzing and assigning the request to a
category of potential requests based on the subject matter in the data requested, and then
delivering data from the related category. In contrast, Kurtzman describes delivering ads
based on information in the request from the webpage server, but does not describe analyzing
a request and assigning it to a previously established category, and then preparing a response
including data which had been associated with the assigned category. Kurtzman describes
relating the request from the webpage server *directly* to the advertising, while the invention of
claim 3 describes associating sets of data with categories, relating a request to a category, and
then providing a response which includes associated data from the category. In other words,
Kurtzman describes going from request directly to advertisement while the invention of claim
3 describes going first from request to category and then from category to the data to be
included in the response.

Claim 5 of the present application recites:

A method for providing user information related to a user's
selection of audio data, the method comprising the steps of:
receiving a user's selection of audio data and an

indicium identifying the user;

analyzing the user's present selection of audio data and
previous selections, if any, of audio data, and identifying at
least one user interest category based on the user's present and
previous audio data selections;

selecting at least one user information item from the at
least one identified user interest category;

associating or combining the at least one user
information item with the user's audio data selection; and

delivering the associated or combined at least one user
information item and the user's audio data selection to the user
over an electronic network.

Claim 5 recites a method where an information item related to the user's selection of audio data is provided to a user based on analyzing the user's present selection and previous selections to identify at least one user interest category, selecting an information item from at least one of the identified categories and delivering that information item with the user's audio data selection to the user. Thus, claim 5 is allowable over Kurtzman because Kurtzman describes delivering ads based on only information in the request from the webpage server, not based on the user's present selection and previous selections. Applicant respectfully disagrees with the Examiner's position that the description in Kurtzman regarding cookies (Col. 6:11-36) describes using previous selections of a requestor to prepare a response. The information that Kurtzman describes using to find advertisements for a user (e.g., "cookies stored by the browser 177," "demographic and/or sociographic information" and "previous advertisements displayed to that user") is not the same as preparing a response to a present selection using the relationship of an previous selection to a user interest category.

Furthermore, in contrast to the approach of Kurtzman, claim 5 also recites a method where a response to a selection is prepared based on analyzing the selection and identifying a user interest category based on the selection, and then delivering an information item from the identified category. In contrast, Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe analyzing a selection and identifying a user interest category based on the selection, and then preparing a response including an information item from the identified category. Kurtzman describes relating the request from the webpage server *directly* to the advertising, while the invention of claim 5 describes identifying a category based on a selection, and then providing a response which includes an information item from the category. In other words, Kurtzman describes going from request directly to advertisement while the invention of claim 5 describes going first

from selection to category and then from category to the information item to be included in the response.

     The Broadcast.com reference does not cure the deficiencies of Kurtzman and the Examiner does not assert that it does. Thus, claim 5 is allowable over the combination of Kurtzman and the Broadcast.com reference.

     Claim 10 of the present application recites:

> A system for responding to a request, the system comprising:
>   a store for data organized in a plurality of categories
> each including a plurality of sets of data; and
>   means responsive to receipt of a request for analyzing
> the request and assigning the request to one of the categories
> based on a subject matter in the data requested, relating one of
> the categories to the request and preparing a response including
> at least two sets of data from the related category, said response
> including at least the data requested by the request.

     In contrast to the approach of Kurtzman, claim 10 recites a system where a response to a request is prepared based on analyzing and assigning the request to a category based on the subject matter in the data requested, and then delivering at least two sets of data from the related category including the data requested by the request. In contrast, Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe analyzing a request and assigning it to a previously established category, and then preparing a response including two sets of data which had been organized into the assigned category. Kurtzman describes relating the request from the webpage server *directly* to the advertising, while the invention of claim 10 describes organizing sets of data into categories, relating a request to a category, and then providing a response which includes two sets of the associated data from the category. In other words, Kurtzman describes going from request directly to advertisement while the invention of claim 10 describes going first from request to category and then from category to the data to be included in the response. Thus, claim 10 is allowable over Kurtzman.

     Claim 12 of the present application recites:

> A system for responding to a request, the system comprising:
>   a store for data organized in a plurality of categories
> each including a plurality of sets of data;
>   means for archiving successive requests from a given
> requester; and
>   means responsive to receipt of a new request from the
> same requester for analyzing the new request and assigning the

new request to one of the categories based on a subject matter
in the data requested, relating one of the categories to an
archived request and the same or a different category to the
new request according to the assignment of the new request,
and preparing a response including at least two sets of data
from at least one related category or at least one set of data
from each of at least two related categories.

Claim 12 recites a system where a response to a request is prepared based on relating the current request to a category based on the subject matter in the data currently requested and based on relating an archived request to a category. Thus, claim 12 is allowable over Kurtzman because Kurtzman describes delivering ads based on only the current request and not on archived requests. Applicant respectfully disagrees with the Examiner's position that the description in Kurtzman regarding cookies (Col. 6:11-36) describes using archived requests of a requestor to prepare a response. The information that Kurtzman describes using to find advertisements for a user (e.g., "cookies stored by the browser 177," "demographic and/or sociographic information" and "previous advertisements displayed to that user") is not the same as basing a response to a new request on the relationship of an archived request to a category of data.

Furthermore, in contrast to the approach of Kurtzman, claim 12 also recites a system where a response to a request is prepared based on analyzing and assigning the request to a category based on the subject matter in the data requested, and then delivering data from the related category. In contrast, Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe analyzing a request and assigning it to a previously established category, and then preparing a response including data which had been organized into the assigned category. Kurtzman describes relating the request from the webpage server *directly* to the advertising, while the invention of claim 12 describes organizing sets of data into categories, relating a request to a category, and then providing a response which includes data from the category. In other words, Kurtzman describes going from request directly to advertisement while the invention of claim 12 describes going first from request to category and then from category to the data to be included in the response. Thus, claim 12 is allowable over Kurtzman.

Claim 14 of the present application recites:

A system for providing user information related to a user's
selection of audio data, the system comprising:
an audio data server that receives a user's selection of

-14-

audio data and an indicium identifying the user;
a user information server that analyzes the user's
present selection of audio data and previous selections, if any,
of audio data, that identifies at least one user interest category
based on the user's present and previous audio data selections
that selects at least one user information item from the at least
one identified user interest category, and that associates or
combines the at least one user information item with the user's
audio data selection; and
an audio data delivery system that delivers the
associated or combined at least one user information item and
the user's audio data selection to the user over an electronic
network.

Claim 14 recites a system where an information item related to the user's selection of audio data is provided to a user based on analyzing the user's present selection and previous selections to identify at least one user interest category, selecting an information item from at least one of the identified categories and delivering that information item with the user's audio data selection to the user. Thus, claim 14 is allowable over Kurtzman because Kurtzman describes delivering ads based on only information in the request from the webpage server, not based on the user's present selection and previous selections. Applicant respectfully disagrees with the Examiner's position that the description in Kurtzman regarding cookies (Col. 6:11-36) describes using previous selections of a requestor to prepare a response. The information that Kurtzman describes using to find advertisements for a user (e.g., "cookies stored by the browser 177," "demographic and/or sociographic information" and "previous advertisements displayed to that user") is not the same as preparing a response to a present selection using the relationship of an previous selection to a user interest category.

Furthermore, in contrast to the approach of Kurtzman, claim 14 also recites a system where a response to a selection is prepared based on analyzing the selection and identifying a user interest category based the selection, and then delivering an information item from the identified category. In contrast, Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe analyzing a request and assigning it to a user interest category, and then preparing a response including an information item which had been associated with the assigned category. Kurtzman describes relating the request from the webpage server *directly* to the advertising, while the invention of claim 14 describes identifying a category based on a selection, and then providing a response which

includes an information item from the category. In other words, Kurtzman describes going from request directly to advertisement while the invention of claim 14 describes going first from selection to category and then from category to the information item to be included in the response.

The Broadcast.com reference does not cure the deficiencies of Kurtzman and the Examiner does not assert that it does. Thus, claim 14 is allowable over the combination of Kurtzman and the Broadcast.com reference.

The remaining claims are allowable for at least the reasons the independent claims are allowable.

Claims 2, 4, 6, 8, 9, 11, 13, 15 and 17 to 21 are dependent on claims 1, 3, 5, 10, 12 or 14, thus they are allowable for at least the reasons that claims 1, 3, 5, 10, 12 and 14 are allowable.

Conclusion

Thus, it is respectfully submitted that the rejection of claims 1 to 6, 8 to 15 and 17 to 21 under 35 U.S.C. §§ 102(b) or 103 should be withdrawn. It is respectfully submitted that the application is in condition for allowance, and Applicant requests reconsideration and withdrawal of all grounds of rejection.

A Notice of Allowance is respectfully requested.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (212) 425-7200 to discuss the application.

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